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in said feed unit, said feed unit being connected to said feed supplying device by angular displacement means which comprise at least in part said weighing means, and deterring means for deterring an animal from taking feed from said feed unit, said deterring means being at least partly integrated in said weighing means.

REMARKS

Claims 1 and 31-61 are pending in the instant Application. However, on the basis of the restriction requirement previously imposed, Claims 35, 36, 38-40, 42-44, 50-56, 58 and 61 were withdrawn from consideration. Claims 1, 31-34, 37, 41, 45-49, 57, 59 and 60 were provisionally rejected under the judicially created Doctrine of Double Patenting over Claims 1, 27-54 of co-pending Application No. 09/82891. Inasmuch as this latter Application was filed one day after the instant Application, the term of the instant Application will not be affected by a Terminal Disclaimer and Application Serial No. 09/82891 will only lose one day of its twenty (20) years' anticipated term. Accordingly, without necessarily agreeing with the rejection based on the judicially created Doctrine of Double Patenting, a Terminal Disclaimer to obviate the provisional double patenting rejection over a pending second Application is submitted herewith. A similar Terminal Disclaimer will be submitted in co-pending Application No. 09/82891. Except for the rejection under the judicially created Doctrine of Double Patenting, Claims 32-34, 37, 41, 45-49, 57, 59 and 60 were considered allowable but objected to as being dependent upon a rejected base claim. Therefore they have been rewritten as Claims 62-74 submitted herewith. The dependency of Claim 72 has been modified however in a minor respect and in Claim 74, line 3, "detering device" prior Claim 60 has been changed to --detering means-- to correct an obvious error. It is, accordingly, submitted that Claims 62-74 are allowable claims.

Claims 1, 31 and 41 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,255,631, to Anderson, which issued October 26, 1993. In this respect, Figure 3 of the Anderson patent was reproduced on page 5 of the Official Action wherein various parts were identified using language of the claims rather than the reference numerals which were in the original drawing. In this connection, the Patent Examiner is to be complimented. This is quite helpful for providing an understanding of the basis for the rejection which will become part of the prosecution history of the patent to issue from the instant Application. The Anderson reference basically discloses a feeder wherein a measured amount of bird feed is provided to a bird which is dispensed by the weight of the bird, or a rocking motion induced by a bird, landing on one side of the feeding area. However, concerning Claim 1, Anderson does not teach the means for weighing the fodder or drink, or both, present in the feed unit. Claim 31 has the same limitation. Claim 41 is directed to a safety supported bracket and was rejected only because it is dependent on Claim 31. In the drawing taken from the Anderson patent as reproduced on page 5 of the Official Action, it is not entirely clear what the Patent Examiner considers to be the "weighing means." The lead line is directed to what appears to be guiding structure for the bird feed. But even if one assumes that the bird feed in the feed dispenser trough causes it to be tilted off center, there is no suggestion in the reference of weighing means for weighing the feed in the feed unit. Accordingly, it is submitted that Claims 1, 31 and 41 are not anticipated by the Anderson patent. Claim 31 has, however, been rewritten to overcome the objection in paragraph 7 of page 4 of the Official Action wherein "displaceable" has been replaced by --displacement-- and otherwise amended in minor respects.

The drawings have been modified as indicated in the copies of the drawings submitted herewith with changes shown in red. In this connection, I sympathize with the Patent Examiner

to some extent inasmuch as I encountered the same difficulty in my original understanding of the drawings. One needs to appreciate that a portion on the left side of each drawing constitutes a wall, or the like, which extends also under each feeding unit. To indicate this structure, we have added vertical lines which, it is considered, will clarify the existence of the wall. Also we have modified the description of the drawings to indicate that they are, as appropriate, partial sections and added cross-hatching which may clarify the position of the opening to the feeding units. In particular this is true of Figure 1, for the "J" shaped portion of the feed unit indicated more or less by reference numeral 10 through where it curves around hinge 17.

The Patent Examiner in the Official Action adhered to her previous restriction requirement which basically considered each of the separate embodiments which are depicted in the figures to be different species. Applicant elected species I, which is directed to Figure 1, with a traverse. However, it is submitted that the Patent Examiner is legally in error. The statutory authority for making a restriction requirement is derived from 35 U.S.C. §121 and is authorized only for "independent and distinct inventions" which are claimed in one Application. Nothing is said in the statutory language about "species" and, moreover, the meaning of "species" in the English language does not include varieties which may be included in a "species." It is submitted that this was sufficiently set forth in the original traverse of the restriction requirement. However, the issue may be moot inasmuch as Claim 62, as well as other claims submitted herewith which were found allowable in the Office Action, clearly also apply to all of the so-called "species" listed in the restriction requirement. Accordingly, the restriction requirement should be withdrawn and it is so requested. In this connection, it is recognized that Figures 2, 4 and 5 include closing means which are mentioned directly or indirectly in Claims 51-53 and 55-58 as well as Claim 61. It is submitted, however, that the Patent Examiner in her

discretion should include such claims in the claims to be withdrawn from the restriction requirement and included in the examination of the instant Application.

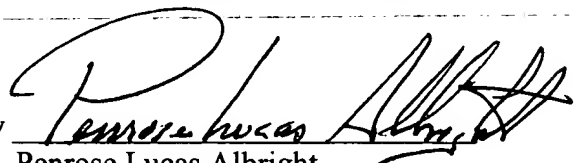
In this Amendment, thirteen (13) claims have been added of which seven (7) are independent claims. Accordingly, it appears that an additional fee in the amount of \$411.00 is required and our check to cover same is submitted herewith. If, however, this is in error, the Commissioner of Patents and Trademarks is authorized to debit or credit our Account No. 13-2000 as appropriate.

Further consideration and reexamination of this Application, in its amended form, is requested in view of 35 U.S.C. §132 and regulations in implementation thereof. It is submitted the Application in its amended form is free from ambiguity and avoids the references of record. It is further submitted that the Examiner should have no difficulty in finding that the differences between the subject matter sought to be patented in this Application and prior art and usage within her expert knowledge are such that the subject matter as a whole would not have been obvious at the time the invention was made to persons having ordinary skill in the art to which the subject matter of this Application pertains.

In view of the foregoing, the allowance of claims as now presented is earnestly solicited.

Respectfully submitted,

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Filed: December 4, 2002